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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,888	03/02/2002	Ron Naismith	SAA-46-1	9721
23569	7590	03/23/2007	EXAMINER	
SQUARE D COMPANY LEGAL DEPARTMENT - I.P. GROUP 1415 SOUTH ROSELLE ROAD PALATINE, IL 60067			NGUYEN, DUSTIN	
			ART UNIT	PAPER NUMBER
			2154	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	03/23/2007	PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/087,888	NAISMITH ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Dustin Nguyen	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 02 March 2007.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 19-38 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02 March 2002 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 06/25/02, 11/09/04.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. Claims 1-18 are presented for examination.

### ***Election/Restrictions***

2. Applicant's election without traverse of group I, claims 1-18 in the reply filed on 03/02/2007 is acknowledged. Claims 19-38 are withdrawn from consideration.

### ***Specification***

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. Examiner requests Applicants to update status of related applications as mentioned in the disclosure, page 1.

### ***Drawings***

5. The drawings are objected to because unclear labels for Figures 1-3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 5-7, 9-11, 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Harris et al. [ US Patent No 6,331,972 ].

8. As per claim 1, Harris discloses the invention as claimed including a method for identifying a second device on a second node of a standard communications network from a first device located on a first node of the standard communications network [ i.e. a first and a second of nodes first find or determine that each other is compatible node ] [ Figure 1; and col 6, lines 21-54 ], comprising the steps of:

initiating from the first node a first communications command in a peer protocol format to the second node [ i.e. transmitting a self-initiated message that includes an identification code of the electronic device ] [ Figure 7; Abstract; and col 6, lines 49-54 ];

initiating from the second node a second communications command in the peer protocol format to the first node [ i.e. receiving a self-initiated message sent from other electronic devices ] [ Figure 21; Abstract; and col 18, lines 54-col 19, lines 12 ];

identifying the second device on the second node as a peer device within the first device on the first node; and identifying the first device on the first node as a peer device within the second device on the second node [ i.e. perform the process of negotiation and establish communication if completed ] [ col 11, lines 28-55; and col 16, lines 30-41 ].

9. As per claim 5, Harris discloses wherein the standard communications network is Ethernet [ i.e. LAN, WAN ] [ col 7, lines 53-57; and col 8, lines 52-55 ].

10. As per claim 6, Harris discloses the step of: after initiating from the first node a first communications command in a peer protocol format to the second node, responding to the first communications command from the second node to the first node [ Figure 21; and col 18, lines 54-col 19, lines 12 ].

11. As per claim 7, Harris discloses the step of: after initiating from the second node the second communications command in the peer protocol format to the first node, responding to the second communications command from the first node to the second node [ Figure 21; and col 18, lines 54-col 19, lines 12 ].

12. As per claim 9, it is rejected for similar reasons as stated above in claim 1. Furthermore, Harris discloses an initiator for initiating a first communications command in a peer protocol format to the second node; a receptor for receiving from the second node a second communications command in the peer protocol format, in response to the first communications command [ i.e. transmitter and receiver ] [ col 8, lines 22-34; and col 21, lines 16-30 ].

13. As per claim 10, Harris discloses a scan table for storing parameters relating to the devices, the scanner using one or more of the parameters for scanning the devices [ i.e. tables ] [ Figures 7-9; and col 10, lines 1-47 ].

14. As per claim 11, it is rejected for similar reasons as stated above in claim 1.

15. As per claim 15, it is rejected for similar reasons as stated above in claim 5.

16. As per claims 16 and 17, they are rejected for similar reasons as stated above in claims 6 and 7.

***Claim Rejections - 35 USC § 103***

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 2-4, 8, 12-14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris et al. [ US Patent No 6,331,972 ], in view of Ruckley et al. [ US Patent No 6,360,277 ].

19. As per claim 2, Harris does not specifically disclose wherein the peer protocol format is a programmable logic controller (PLC) format. Ruckley discloses wherein the peer protocol format is a programmable logic controller (PLC) format [ col 1, lines 36-38 and lines 61-64 ]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Harris and Ruckley because Ruckley's teaching of PLC would provide to simplify the installation and maintenance of industrial process control systems [ Ruckley, col 2, lines 23-26 ].

20. As per claim 3, Ruckley discloses wherein the peer device is a programmable logic controller (PLC) device [ col 1, lines 36-38 and lines 61-64 ].
21. As per claim 4, Ruckley discloses wherein the peer protocol format is Modbus [ Figure 2; and col 3, lines 5-14 ].
22. As per claim 8, Harris does not specifically disclose the steps of: setting the first node to an active status; and, setting the second node to a passive status. Ruckley discloses the steps of: setting the first node to an active status; and, setting the second node to a passive status [ col 3, lines 49-61 ]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Harris and Ruckley because Ruckley's teaching would allow to decentralize digital controllers to be networked together from the field level to the cell level [ Ruckley, col 3, lines 45-48 ]
23. As per claims 12-14, they are rejected for similar reasons as stated above in claims 2-4.
24. As per claim 18, it is rejected for similar reasons as stated above in claim 8.
25. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for

response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (571) 272-3971. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached at (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dustin Nguyen

Examiner

Art Unit 2154

